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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES OF AMERICA

CRIMINAL NO. 98-60009-01

CIVIL ACTION NO. 05-1113

VS.

JUDGE DOHERTY

TRAMELL RAYMOND ARCENEUX

MAGISTRATE JUDGE METHVIN

J U D G M E N T

This matter was referred to United States Magistrate Judge Mildred E. Methvin for her Report and Recommendation. After an independent review of the record, the applicable jurisprudence, and objections filed, this Court concludes that the Report and Recommendation of the magistrate judge are correct and this Court adopts the conclusions set forth therein.

Accordingly, **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that Arceneaux's motion to vacate, set aside or correct sentence is construed as a second §2255 motion and is **TRANSFERRED** to the United States Fifth Circuit Court of Appeals under the authority of 28 U.S.C. §1631 for that Court to determine whether petitioner is authorized under 28 U.S.C. §2244 to file the instant habeas corpus motion in this district court.

Lafayette, Louisiana this 19 day of December, 2005.


REBECCA F. DOHERTY
UNITED STATES DISTRICT COURT